

### **REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

#### **Allowable Subject Matter**

Applicant gratefully acknowledges the indication, at pages 1 and 6 of the Office Action, that the subject matters of Claims 3, 4, and 14 are free of the prior art. By way of the foregoing amendments, Claim 3 has been placed in independent form, by including its subject matter into Claim 1, the independent claim from which it depended. Additionally, subject matter derived directed from Claim 3 has been added to Claim 24, the remaining independent (apparatus) claim.

#### **Information Disclosure Statement (IDS)**

Applicant acknowledges receipt of a partially-examiner-initialed form PTO-1449, which had been filed as part of the IDS dated 14 September 2004; however, one of the documents listed on the 1449 was not initialed by the patent examiner. More specifically, a search report in a corresponding Swiss application was not considered. Applicant has reviewed the Image File Wrapper (IFW) for this application, and has confirmed that a copy of the Search Report is of record: it is one of the three 4-page "NPL Documents" dated September 14, 2004. Kindly note that the Search Report includes the traditional letter-designations of the alleged relevance of the documents to the Swiss application (*see* M.P.E.P. § 609(III)(A)(3)).

Applicant respectfully submits that the 14 September 2004 IDS fully complied with 37 C.F.R. §§ 1.97, 1.98, and therefore respectfully requests consideration of all of the documents cited therein, and return to Applicant of a copy of the fully-Examiner-initialed PTO-1449.

#### **Objection to the Claims**

At page 2 of the Office Action, Claim 17 was objected to because it included a typographical error. Applicant respectfully requests reconsideration of this objection in view of the foregoing amendment, by which a period has replaced the comma at the end of the sentence.

**Rejection under 35 U.S.C. § 102**

In the Office Action, beginning at page 2, Claims 1, 2, 5-12, and 15-24 were rejected under 35 U.S.C. § 102, as reciting subject matters that allegedly are anticipated by U.S. Patent No. 6,448,782, issued to Pakonen *et al.* ("Pakonen"). Applicant respectfully requests reconsideration of this rejection.

While Applicant strongly disagrees with the negative patentability characterizations of the claimed subject matters contained in the Office Action, in an effort to expedite prosecution Applicant has placed Claim 3 in independent form, and has added subject matter derived directly from Claim 3 to Claim 24. Accordingly, the rejection under section 102 is now moot. Applicant expressly reserved the right to file one or more Continuation applications to further pursue the subject matters otherwise disclosed in the application.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1, 2, 5-12, and 15-24 are not anticipated by *Pakonen*, are therefore not unpatentable under 35 U.S.C. § 102, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

**Conclusion**

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If Mr. Suarez believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

By<sup>1</sup>: /Adam J. Cermak/  
Adam J. Cermak  
Registration No. 40,391

**U.S. P.T.O. Customer Number 36844**

Cermak & Kenealy LLP  
515 E. Braddock Rd., Suite B  
Alexandria, Virginia 22314

703.778.6609 (v)  
703.652.5101 (f)

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<sup>1</sup> 37 C.F.R. § 1.4(D)(3)